

No. 18418-4Lab-77/32157. In pursuance of the provision of section 17 of the Industrial Dispute Act, 1947 (Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s Tools India (P) Ltd., 18/6, Mathura Road, Faridabad.

BEFORE SHRI NATHU RAM SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD

Reference No 45 of 1976

between

SHRI PARKASH CHAND, WORKMAN AND THE MANAGEMENT OF M/S TOOLS INDIA (P) LTD. 18/6, MATHURA ROAD, FARIDABAD

Present.—

Shri Parkash Chand, concerned workman.

Shri R. C. Sharma, for the management.

#### AWARD

By order No. 1D/FD/932-A-75/6870, dated 13th February, 1976, the Governor of Haryana referred the following dispute between the management of M/s Tools India (P) Ltd., 18/6, Mathura Road, Faridabad and its workman Shri Parkash Chand to this Tribunal, for adjudication in exercise of the powers conferred by clause (d) sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Parkash Chand was justified and in order? If not, to what relief is he entitled?

On receipt of the reference, notice were issued to the parties. The parties appeared. On the last date of hearing, the management has defaulted in appearance and my learned predecessor has given an *ex parte* award dated 14th September, 1976. Thereafter the workman applied for setting aside *ex parte* award. That application was also dismissed in default on 23rd May, 1977. Thereafter the workman again made an application to set aside an *ex parte* award and *ex parte* proceedings on the said application.

Notice thereof was sent to the management. Both the parties appeared. The following issues were framed on 22nd June, 1977.

- (1) Whether this application is within time? (OPM).
- (2) Whether the application for setting aside the *ex parte* award was within time? (OFA).
- (3) Whether there are sufficient grounds for restoring the application for setting aside *ex parte* award? (OPA).

The case was fixed for the evidence of the workman on 26th July, 1977. On 26th July, 1977 the parties reached a compromise. The representative for the management stated that the management shall pay Rs 150 only as *ex gratia* to the workman concerned in addition to his earned wages and earned leave provided the workman withdrew the dispute and gave up his right to reinstatement and re-employment. The workman agreed to this. I, therefore, give my award on the compromise reached between the parties as follows :—

- (1) That the management shall pay Rs 150 only as *ex gratia* to the workman concerned.
- (2) That the termination of services of the workman concerned Shri Parkash Chand was justified and in order. He is not entitled to any relief.

This set aside the award dated 14th September, 1976 given by my learned predecessor.

Dated the 16th November, 1977.

NATHU RAM SHARMA,  
Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 1141, dated 24th November, 1977.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated the 24th November, 1977.

NATHU RAM SHARMA,  
Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.